

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA  
Montana Sixteenth Judicial District Court, County of Rosebud

STATE OF MONTANA,	)	
	)	
Plaintiff,	)	
	)	CAUSE NO. DC-08-029
-vs-	)	
	)	DECISION
THERESE SPEAR,	)	
	)	
Defendant.	)	

On September 17, 2018, the District Court revoked Defendant's deferred sentence for violating the conditions, and sentenced Defendant to the Department of Corrections for eight (8) years, for the offense of Count II: Negligent Homicide, a Felony. The Court granted credit for street time of 37 ½ months, and 127 days for jail time served. The Court imposed all of the conditions of the previous order, including financial obligations. The Court recommended screening for an Intensive Outpatient Program such as Passages. Defendant was ordered to successfully complete treatment prior to being released back into the community. The Court recommended Defendant be screened for Mental Health treatment and grief issues if available through the Department of Corrections. Defendant was ordered to complete six (6) months of supervised pre-release before being released back into the community.

On April 5, 2019, Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). Defendant was present and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. Defendant was further advised that there is no appeal from a decision of the Division. Defendant acknowledged that she understood this and stated that she wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is AFFIRMED.

Done in open Court this 5<sup>th</sup> day of April, 2019.

DATED this 25<sup>th</sup> day of April, 2019.

SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed this 7<sup>th</sup> day  
of May, 2019, to:

Clerk of District Court (Original)  
Therese Spear #3003677, Defendant (2)  
Hon. Nickolas C. Murnion  
Brent Getty, Defense Counsel  
Joseph Zavatsky, Esq.  
Board of Pardons and Parole  
MWP - Records Dept.



Georgia Lovelady, Judicial Assistant  
Sentence Review Division